



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Friday, the Tenth day of March Two Thousand Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMA(MD) . No.90 of 2022

1. Amutha
2. Minor Ajitha
Minor Rep. by natural guardian
Mother Amutha
3. Minor Dhanush
Minor Rep. by natural guardian
Mother Amutha ... Appellants / Petitioners

.Vs.

1. M.Joseph Cyril Rajan
2. G.Jaya Navis
3. The United India Insurance Company Limited,
Rep. by its Branch Manager,
Office at Assisi Complex, 1st Floor,
PWD Road,
Near Park, Nagercoil,
Nagercoil Village,
Agateeswaram Taluk,
Kanyakumari District.
4. J.Boobala Krishnan
5. The New India Insurance Company Limited,
Represented by its Branch Manager,
Office at Aruguvilai Building,
North Car Street,
Nagercoil - 1,
Nagercoil Village,
Agateeswaram Taluk,
Kanyakumari District.



6.Johnson

7.T.Chellathurai

8. The United India Insurance Company Limited,
Represented by its Branch Manager,
Office at Assisi Complex, 1st Floor,
PWD Road,
Near Park, Nagercoil,
Nagercoil Village,
Agateeswaram Taluk,
Kanyakumari District.

... Respondents / Respondents

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehilces Act, against the judgment and decree dated 12.03.2020 made in M.C.O.P.No.25 of 2018 on the file of the Motor Accident Claims Tribunal-Judge-cum Chief Judicial Magistrate Court, Nagercoil, Kanyakumari District.

DECREE :

This Civil Miscellaneous Appeal having come up for final hearing on this day, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.C.Sankar Prakash, Advocate for the Appellant, Mr.J.S.Murali, Advocate for the Respondents No.3 and 4 ; for the Respondents No.1,2,4 to 6 none appeared either in person or through counsel, R7 was given up vide memo in USR.36296, dated.16.12.2022, while allowing the Appeal, this Court doth order and decree as follows:-

- i)that the Judgment and decree dated 12.03.2020 made in M.C.O.P.No.25 of 2018 on the file of the Motor Accident Claims Tribunal-Judge-cum Chief Judicial Magistrate Court, Nagercoil, Kanyakumari District, be and hereby is modified.
- ii)that the compensation is enhanced from Rs.13,30,000/- (Rupees Thirteen Lakhs and Thirty Thousand only) to Rs.18,30,000/- (Rupees Eighteen Lakhs and Thirty Thousand only).
- iii)that out of the said amount, the appellants/petitioners are entitled to get a sum of Rs.6,10,000/- each as compensation.
- iv)that the 3rd respondent - Insurance Company is directed to deposit the entire enhanced amount of Rs.18,30,000/- (Rupees Eighteen Lakhs and Thirty Thousand only) along with interest at the rate of 7.5% p.a. from the date of filing the claim petition till the date of realization and costs within a period of one month from the date of receipt of a copy of this judgment, if not already deposited.



v)that the petitioners may approach the Tribunal for withdrawal of the said amount, for filing necessary application and if such an application is filed, the Tribunal shall pass orders for withdrawal.

vi)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

To

1.The Motor Accident Claims Tribunal-Judge-cum
Chief Judicial Magistrate Court,
Nagercoil, Kanyakumari District.

2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES).

+1 CC to M/s.C.SANKAR PRAKASH, Advocate (SR-14522[F] dated 13/03/2023)

+1 CC to M/s.J.S.MURALI, Advocate (SR-14565[F] dated 13/03/2023)

ORDER DATED : 10/03/2023

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DECREE + Judgment

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Allowing the appeal preferred against the Judgment and decree dated 12.03.2020 made in M.C.O.P.No.25 of 2018 on the file of the Motor Accident Claims Tribunal-Judge-cum Chief Judicial Magistrate Court, Nagercoil, Kanyakumari District, etc., as stated therein.

SI/(25.04.2023) 3P/ 6C